

IN THE MATTER OF
THE PETITION OF
T. BERNARD TODD and
NARSHA L. TODD, his wife,
APPLICANTS No. 2060

APPLICATION TO JOIN AS CO-PETITIONERS FOR
ZONING RECLASSIFICATION

TO THE ZONING COMMISSIONERS OF BALTIMORE COUNTY:

WHEREAS, under date of July 16, 1951, T. Bernard Todd and Narsha L. Todd, his wife, filed their petition to have reclassified from an "A" Residence zone to an "M" Industrial zone, a tract of land located on the southwest side of Batavia Farm Road in the Fifteenth Election District of Baltimore County, which tract of land is more specifically described in said petition; and

WHEREAS, since the filing of the petition of T. Bernard Todd and Narsha L. Todd, his wife, to have said property reclassified, the County Commissioners of Baltimore County, a corporation and body politic, have acquired from said T. Bernard Todd and Narsha L. Todd, his wife, by deed dated August 9, 1951, and recorded among the land records of Baltimore County in Liber C.L.R. no. 1091, folio 36, a portion of said tract of land, which portion is particularly described as follows, that is to say:

WHEREAS, for the use in the center of the Batavia Farm Road (30 ft. wide) and in the fourth or south 59 degrees 27 minutes East 100.00 foot line of the land conveyed by Thomas J. Todd, Jr., et al., to T. J. Durand de Nemours & Company by a deed dated September 22, 1947, and recorded among the land records of Baltimore County in Liber C.L.R. no. 1071, folio 36, etc., said boundary point being distant 100.00 feet measured south 50 degrees East from the beginning of said fourth line, roadway thence and thence by a line at the end of the fourth line, and in all along the center of said Batavia Farm Road south 50 degrees East 100.00 foot line of the land conveyed by T. Bernard Todd and Narsha L. Todd, his wife, to have said property reclassified, the County Commissioners of Baltimore County, a corporation and body politic, have acquired from said T. Bernard Todd and Narsha L. Todd, his wife, by deed dated August 9, 1951, and recorded among the land records of Baltimore County in Liber C.L.R. no. 1091, folio 36, a portion of said tract of land, which portion is particularly described as follows, that is to say:

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North 35 degrees 54 minutes East 1320 feet, more or less, line in the Road from Thomas J. Todd, Jr., to T. Bernard Todd, North 35 degrees 54 minutes East passing over a pipe at the end of 1300.72 feet in all, 1300.72 feet to the place of beginning. Containing 36.268 acres of land, more or less.

WHEREAS, it is the desire of the County Commissioners of Baltimore County that the tract of land acquired by the aforesaid deed be reclassified, as originally requested in the petition filed by T. Bernard Todd and Narsha L. Todd, his wife.

NOW, THEREFORE, the said County Commissioners of Baltimore County do hereby request that they be joined as Co-Petitioners with said T. Bernard Todd and Narsha L. Todd, his wife, for the purpose of having the property described in said original petition, reclassified as therein requested.

COUNTY COMMISSIONERS OF BALTIMORE COUNTY
Albert H. Babin
Michael J. Cunningham
Charles H. Hall

James R. Price
John H. Smith
Attorneys for Petitioners

WHEREAS, upon the foregoing application and petition, it is this 14th day of September, 1951, by the Zoning Commissioners of Baltimore County,

ORDERED, that the County Commissioners of Baltimore County be and they are hereby made Co-Petitioners in Application No. 2060 filed July 16, 1951, by T. Bernard Todd and Narsha L. Todd, his wife, for the reclassification of property as described in the original petition of the said T. Bernard Todd and Narsha L. Todd, his wife.

James R. Price
John H. Smith
Attorneys for Petitioners

Petition for Zoning Re-Classification

To The Zoning Commissioners of Baltimore County:—
I, or we, T. Bernard Todd and Narsha L. Todd, legal owner(s) of the property situated All that parcel of land on the South west side of Batavia Farm Road in the 15th District of Baltimore County, beginning 2000 feet South west side of Pulaski Highway thence Southwesterly and binding on the South west side of Batavia Farm Road, 3400 feet to the North west shore line of the North east Creek, thence Southerly and binding on said side of North East Creek, 1388 feet, thence North 60 degrees 31 minutes East 807 feet, thence North 32 degrees 56 minutes East 50 feet, thence 60 degrees 31 minutes East 1400 feet, thence North 35 degrees 54 minutes East 1320 feet to place of beginning. Sowing and excepting therefrom that portion which is sowed for "M" Heavy Industrial.

hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence zone to an "M" Industrial zone.
Reasons for Re-Classification: Light Industrial Use

Size and height of building: front _____ feet, depth _____ feet, height _____ feet
Front and side set backs of building from street lines: front _____ feet, side _____ feet
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

T. Bernard Todd
Narsha L. Todd
Legal Owner
Address 8235 Pulaski Hwy.
Baltimore 6, Md.

ORDERED By The Zoning Commissioners of Baltimore County, this 16th day of July, 1951, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in the Rockford Hotel, in Towson, Baltimore County, on the 15th day of August, 1951, at 2:00 o'clock P.M.

Zoning Commissioner of Baltimore County
(over)

3 copies MICROFILMED:

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 8-3-51
Posted for: T. Bernard Todd
Petitioner: T. Bernard Todd
Location of Sign: 8235 Pulaski Hwy., Baltimore 6, Md.
Remarks: One sign each posted on all four corners of said property as detailed above.
Posted by: Ray R. Hummel Date of return: 8-3-51

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October 29, 1951
\$22.00
RECEIVED OF Alfred F. Walker, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner granting the reclassification of property on the southwest side of Batavia Farm Road, 15th District, T. Bernard Todd and Narsha L. Todd, petitioners.

Zoning Commissioner

PAID
JUL 2 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

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July 24, 1951
\$26.00
RECEIVED OF T. Bernard Todd the sum of Twenty Six (\$26.00) Dollars, being cost of petition for reclassification, advertising and posting property, southwest side of Batavia Farm Road, 15th District of Baltimore County.

Zoning Commissioner

Received
Wednesday, August 15, 1951
at 2:00 p.m.
303 Washington Avenue

PAID
JUL 2 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

Re: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "H" INDUSTRIAL ZONE - S. W. SIDE BATAVIA FARM ROAD, Beg. 2000 Ft. S. E. Pulaski Highway, 15th District of Balto. Co., T. Bernard and Martha L. Todd, Petitioners.

The appeal in the above entitled matter coming on for hearing on the 11th day of January, 1952, before the Board of Zoning Appeals of Baltimore County from an order of the Zoning Commissioner of Baltimore County dated October 15, 1951, granting the petition for reclassification of the property therein described from an "A" Residence Zone to an "H" Industrial Zone; and it appearing from the facts and evidence adduced at the appeal that the granting of the petition would not be detrimental to the health, safety, morals, and general welfare of the community and that there is a real need for said reclassification; therefore,

It is this 10th day of February, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the petition for reclassification, as aforesaid, be granted and approved and that the order of the Zoning Commissioner of Baltimore County be ratified and affirmed.

H. S. Campbell
Chairman
Samuel C. Williams
President
Board of Zoning Appeals of Baltimore County

Approved:

County Commissioners of Baltimore County

By *Alfred F. Walker*
President

Date: March 21, 1952

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OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal from the decision and order of the Zoning Commissioner of Baltimore County dated October 15, 1951, granting the petition for reclassification from an "A" Residence Zone to an "H" Industrial Zone in regard to the property described in said petition. The County Commissioners of Baltimore County join in these proceedings as co-petitioners as pertaining to a portion of the total tract described in the petition.

The case came on for hearing before the B.Z.A., testimony was taken for and against said petition, and counsel for both sides heard.

The property which is the subject of this petition is a wooded tract of land located between the Pennsylvania Railroad and the Baltimore & Ohio Railroad, southwest of Batavia Farm Road, in the Fifteenth District. This "A" Residence Zone lies immediately adjacent to a large tract or tracts of land having an industrial use or classification designated as "H" Heavy Industrial.

From the testimony it is clear that the real objection in this case is not the reclassification itself so much as the proposed use that will be made of the property. Witnesses for Baltimore County testified that there is a grave need for a land fill garbage disposal operation in this densely populated section of the county. The old method of disposing of garbage by hauling it to some remote area and dumping it in open fields or placing it in deep ravines, with its consequent foul and obnoxious odors, and in time the breeding place of rodents, flies, and other insects has left in the minds of the people a mental picture that garbage disposal is by this method only; and it is perfectly natural that when the word is circulated in the community that somewhere nearby garbage will be dumped for disposal, that

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the people become apprehensive and immediately take steps to forestall any such undertaking.

But the testimony in this case is clear that the operation now being conducted by the County in the heavy industrial zone is quite different from the aforementioned procedure of disposal, to wit: that the garbage is buried and covered daily with a sufficient amount of soil or earth so as to prevent, as far as possible, giving off of objectionable odors such as would be carried to adjoining property owners. The Board is convinced, both from the testimony and its own observation of the site, that the present method of disposing of garbage at this location is being handled and conducted so as not to be obnoxious to the people in the surrounding areas, whether near or far.

There was some testimony, however, from people living in the neighborhood not too far removed from the site in question, that there were obnoxious odors. However, there was some doubt that these odors emanated exclusively from the land fill in that such obnoxious conditions could quite readily be traced to a large number of hogs being fed on adjoining or nearby farms, especially in view of the fact that in some cases they were being fed raw garbage in open fields.

Some of the protestants seemed to be apprehensive of possible water pollution in their wells, but there was no testimony introduced by them to substantiate such fears. A well approximately 200 feet from the present sanitary land fill was believed to be polluted, but by what source or means was not disclosed and it was admitted that no tests had been made to determine the real condition of the water in the well. Some of the protestants who live on the opposite side of the railroad

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FILED OCT 24 1951

In Re: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "H" INDUSTRIAL ZONE - S. W. SIDE BATAVIA FARM ROAD, Beg. 2000 Ft. S. E. Pulaski Highway, 15th District of Balto. Co., T. Bernard and Martha L. Todd, Petitioners

Mr. Commissioner:

Please enter an appeal to the Board of Zoning Appeals from the order passed on the 15th day of October 1951 by which the area set forth in the petition filed by T. Bernard Todd and Martha L. Todd, his wife, was reclassified from an "A" Residence Zone to an "H" Industrial Zone.

Lawrence B. Scally
Lawrence B. Scally
David P. Gordon
David P. Gordon
Frederick Taylor
Frederick Taylor
Alfred F. Walker
Alfred F. Walker

Attorneys for appellants

Augustine J. Miller, Esq.,
Zone Commissioner
Towson, Maryland

Dear Mr. Miller:

Enclosed herewith please find an appeal from your order of October 15th, in connection with the reclassification of the S.W. side of Batavia Farm Road.

I trust the enclosed is in proper form.

Very truly yours,

Alfred F. Walker
Alfred F. Walker

AJW/mr

Enc.

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well secluded from the owners and occupants of adjoining properties and still in close enough proximity to the densely populated areas to enable an efficient, prompt, and satisfactory removal of the garbage from the homes, stores, and industries to this undeveloped wooded area.

The Board is of the opinion that the granting of this reclassification would not be detrimental to the health, safety, morals, and general welfare of the community; and, further, that there is a real need for this reclassification; and, therefore, it will sign an order granting the said reclassification.

H. S. Campbell
Chairman
Samuel C. Williams
President
Board of Zoning Appeals of Baltimore County

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objected to the obnoxious odors, but they were not conclusive in their testimony in showing what way the "dump" would adversely affect them.

There was conflicting testimony as to flies and rats resulting from said operation, some stating that they were very numerous and objectionable, while others testified to the contrary. The Board is of the opinion that this land fill operation does not provide a breeding place for rodents and insects to any material degree. Mr. John C. Geyer, Sanitary Engineer, stated that flies do not breed under the disposal operations described above.

The Board visited another sanitary land fill operation west of Pulaski Highway just north of Armistead Gardens in a location not screened by trees, and observed that the garbage was being disposed of in some places less than 200 feet from houses. It was testified by qualified sanitary engineers that the procedure being used by Baltimore County at the Batavia Farm Road site is the accepted practice of numerous cities and metropolitan and other communities, and that it is a very satisfactory method.

There was doubt in the minds of some of the protestants as to whether or not this was a "reduction" method of disposal of garbage as prohibited by the Zoning Regulations of Baltimore County. The Board is of the opinion that this is definitely not a reduction method, but is distinctly a burial method, sometimes known as sanitary land fill garbage disposal operation.

In addition to the above, it is clearly the duty of the officials of Baltimore County to provide some method and place for the disposal of garbage. The Board is of the opinion that the area designated herein, now in operation by the County, and also the additional area to be used at some future date under a reclassified zone, are proper and in an area about as

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Re: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "H" INDUSTRIAL ZONE - S. W. SIDE BATAVIA FARM ROAD, Beg. 2000 Ft. S. E. Pulaski Highway, 15th District of Balto. Co., T. Bernard and Martha L. Todd, Petitioners

The property which is the subject of this petition is located southwest of Batavia Farm Road to the east of the Baltimore & Ohio Railroad, in the 15th District. The records and plat of this department disclose that the northeasternmost portion of the property described in the petition, bordering on Batavia Farm Road, is now zoned for heavy industrial use to a depth of 300 feet and that the southwesternmost remaining portion of the land is zoned for cottage residential use. ("A" Residence Zone).

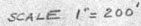
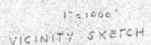
There was no testimony introduced at the hearing to indicate that the use of this property now zoned "A" residential for the normal light industrial uses allowed under the Zoning Regulations and Restrictions would be detrimental to the health, safety, morals and the general welfare of the community. There was, however, evidence introduced that the use of this property for a dump would be detrimental to the health and general welfare of the community. The opinion prevailed at the hearing that the County was now operating a dump on the portion of the property which is now zoned for residential use. This opinion, however, is fallacious. A check of the records and maps of this Department and the location now used by the County for a dump indicates that the land now being used is zoned "H" Heavy Industrial.

Testimony was also introduced by the protestants in the case that this dump has been operated in a negligent manner, that the garbage was not properly covered, that rats and flies were prevalent and that odors emanated from the dump which could be smelled by the residents on either side from the location. The protestants also stated that the road to this dump was not sufficiently barricaded to prevent trucks from entering the area and dumping after working hours and on week-ends when the operating crews were off duty, thus allowing the garbage to remain uncovered in this case. An unannounced inspection of the property indicates that the garbage is covered at all times, few flies were present and no odors discernible in or out of the area being used. An inspection of the barricade also shows that no trucks could by-pass this road block.

An unannounced inspection of this property on September 6, 1951, by Mr. W. L. Johnson, Rodent Control Specialist, Sanitation Division of the State Department of Health, resulted in a report by Mr. Johnson quoting in part as follows:

"The area is being operated as an ideal sanitary landfill. There were no signs of rats being present. Some flies were present but breeding is impossible if operation continues in a satisfactory manner. Odor was noticeable on the edge of the trench. On the day of this visit the landfill was in a most satisfactory condition. The following day when the writer returned alone and unannounced the same

11-12-1917
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NORTH EAST CREEK